IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTIETH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 446 of 2005

Between:

Kodati Ramesh Kumar S/o.Raja Shekhar
Kothawada,Hanamkonda, Warangal dist.

..... PETITIONER

AND

1 The Revenue Divisional Officer Warangal Dist.
2 Smt.Baswaraj Rajani W/o.Ramesh
Lothawada,Bank Colony, Fair Shop Dealer-III/B,
Warangal Mandal,Warangal Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction, more particularly one in the nature of Writ of Mandamus declaring the proceedings in R.C.No.E/2481/2004, dated 5-1-2005 on the file of the first respondent as being contrary to the Essential Commodities Act, 1955, The Andhra Pradesh Scheduled Commodities Dealers' (licensing and Distribution) Order, 1982 etc., and set aside the same as being illegal, null and void and consequently allow the petitioner to distribute the essential commodities till 31-03-2006 in view of the Renewal of Authorisation for Fair Price Shop No.111/A, including the so called bifurcation into shop No.111/B, Kothawada, Warangal Mandal, Warangal District, by the respondents till the date without any hindrance what so ever and pass such other order or orders.

Counsel for the Petitioner: MR.B.SUDHAKAR REDDY & ASSOCIATES

Counsel for Respondent No.1: GP FOR Civil Supplies

The Court at the stage of admission made the following ORDER:

Petitioner is the dealer of fair price shop No.111/A of Warangal town. The shop was bifurcated through the proceedings of the District Collector dated 23.12.2004. The first respondent appointed the second respondent as a temporary dealer through proceedings dated 05.01.2005. The petitioner challenges the same.

Sri B. Sudhakar Reddy, learned counsel for the petitioner, submits that in the entire scheme of the A.P. State Public Distribution System Control Order, 2001 (for short 'the Control Order'), there is nothing like appointment of a dealer on temporary basis and the appointment has to be invariably made by following the procedure, namely by issuing the notification, considering the applications etc. He submits that the appointment of the second respondent is illegal and motivated.

Learned Government Pleader for Civil Supplies, on the other hand, submits that the appointment of dealers on temporary basis, pending action for appointment on regular basis, is a known procedure, particularly to avoid inconvenience to the card holders.

The grievance of the petitioner is only against the order appointing the second respondent as the temporary dealer. It is true that the Control Order does not contain any separate provisions for appointment of dealers on temporary basis. However, such measure is incidental to the power to appoint dealers on regular basis. It is not as if the petitioner is one of the aspirants for this very shop or had made any application for being considered his appointment as temporary dealer. In that view of the matter, no exception can be taken to the impugned order.

Since the appointment of the second respondent is temporary in nature, the first respondent is required to take necessary steps for the appointment of a dealer on regular basis without any further delay.

Hence, the writ petition is disposed of directing the first respondent to take necessary steps to appoint the dealer for the shop No.111/B on regular basis, as early as possible. There shall be no order as to costs.

---------- 20.01.2005

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To

1. The Revenue Divisional Officer Warangal Dist.

2. Two C.Cs. to the Government Pleader for Civil Supplies, High Court of A.P., Hyderabad, (OUT).

3. Two C.D. Copies.